

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1907.02
COMPLAINT INVESTIGATOR: Bridget Hand
DATE OF COMPLAINT: April 29, 2002
DATE OF REPORT: May 29, 2002
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 18, 2002

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation and the Anderson Community Special Education Cooperative violated:

- ***511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to provide a one-to-one assistant all day for each instructional day.***

FINDINGS OF FACT:

1. The student (the "Student") is eleven years old and enrolled in the fifth grade. The Student is eligible for special education and related services as a student with a mild mental disability, communication disorder, and other health impairment.
2. The Student's IEP, dated November 27, 2001, says the Student will receive the related service of a one-to-one assistant, all day, five days per week, in his assigned school in the special education classroom. The parent reports that the student requires one-to-one assistance due to medical concerns.
3. The student's assigned one-to-one assistant ("Student's Assistant") is also assigned to provide service to another student at various times throughout the school day. The principal stated that the Student's Assistant was hired to provide services to the Student and spends approximately 90% of her time with the Student. During some of the times the Student's Assistant is with the other student the classroom assistant works with the Student.
4. The Student's Assistant reports that the classroom assistant is assigned to a classroom with twelve other students and is not able to provide one-to-one services to the Student when the Student's Assistant is with the other student. The classroom assistant advised that there are three professionals in the classroom, a teacher, herself, and the Student's Assistant, and that they all three provide services to all the students, as necessary. The classroom assistant further advised that the only time the Student's Assistant provides individual assistance to the Student is when he is being transported to and from the nurse's office.
5. The nurse stated that she sees the Student three times a day for medications, and there are times the Student's Assistant brings the Student halfway to her office from the classroom and then meets him halfway on the return from the nurse's office to the classroom.

6. The principal stated that it was recently brought to her attention that the Student's Assistant has not been attending "Specials" (50 minute daily period) with the Student. She has since notified the Student's Assistant that it is her responsibility to attend "Specials" with the Student.
7. The parent reports that on April 10, 2002, the Student's Assistant attended a daylong field trip with the other student to whom she provides services. The school provided a statement from the staff person responsible for the Student on that date that says she was with the Student during trips to the nurse's office and lunchtime and that the Student was monitored by the classroom teacher and classroom assistant for the rest of the day.

CONCLUSIONS:

Findings of Fact #2 through #7 show that the School has failed to ensure that the Student was provided with an individual one-to-one assistant for the entire instructional day as written in his IEP as a related service. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation and the Anderson Community Special Education Cooperative shall:

Submit an assurance statement that, when a student's IEP requires an individual one-to-one assistant for the entire instructional day, the School shall ensure that such is provided. The assurance statement shall be submitted no later than June 21, 2002.

DATE REPORT COMPLETED: May 29, 2002